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LETTER DATED 8 OCTOBER 1996 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

It has come to our attention that a presidential statement is being considered by the Security Council regarding the report on human rights abuses in Srebrenica, Zepa, Banja Luka and Sanski Most. The murders, acts of ethnic cleansing and other abuses committed deserve the Council's attention. We support the efforts of those who seek to have the Council address the matter. It is our own opinion, nonetheless, that the most appropriate and serious measures that the Council can undertake is to ensure that those responsible for these crimes are arrested and brought to justice, and that those that shield the internationally indicted are, in turn, sanctioned by the international community. There has not been an appropriate response to the Security Council's demands contained in its presidential statement of 8 August 1996 (S/PRST/1996/34). The Council is obliged now to adopt the measures that justice and a durable peace demand and short-sighted political expediency avoids.

We also ask the Security Council to take into consideration the report dated 16 August 1996 to the Security Council and General Assembly entitled "Third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/51/292-S/1996/665).

Paragraph 167 of the report states:

> "The degree of cooperation encountered has varied remarkably among these States and Entities. The Republic of Bosnia and Herzegovina has been by far the most cooperative party: 'it has replied to nearly every warrant addressed to it, explaining its inability to execute arrest warrants in Bosnian territories outside its control, and is one of the two parties to date which has executed arrest warrants addressed to it, namely the warrants against Delić and Landžo. These arrests were important events in the history of State cooperation with the Tribunal. The Republic of Bosnia and Herzegovina has also allowed an office to be established in Sarajevo and has provided Tribunal investigators with access to sites and persons."

Paragraph 168 of the report states: "On the other end of the spectrum, Republika Srpska has failed to execute any of the scores of arrest warrants which have been addressed to it, or to explain its inability or failure to do so ..."

Paragraph 169 of the report states:

> "The Federal Republic of Yugoslavia (Serbia and Montenegro) has an almost equally dismal record of cooperation with the Tribunal. It is to be noted that under the Dayton Accord, the Federal Republic of Yugoslavia (Serbia and Montenegro) is responsible for Republika Srpska's cooperation and compliance as well as its own ... It has, however, failed to arrest any indictees in its territory and has further allowed prominent indictees ... to appear publicly in Belgrade with impunity" ...

Paragraph 203 of the report concludes:

> "The Tribunal, however, still depends heavily on State cooperation to discharge its mandate, and without the cooperation of some of the States or Entities of the former Yugoslavia (notably the Federal Republic of Yugoslavia (Serbia and Montenegro), which is only cooperating to a limited extent and not in the crucial areas, and Republika Srpska, which is failing to cooperate even minimally), the arrest and transfer of major indictees, notably Karadžić, Mladić and Kordić, are a forlorn hope. Croatia, while it is cooperating in part, must nevertheless exercise its acknowledged authority and influence over Bosnian Croats to effect the arrest of indictees such as Kordić and Rajić."

May I ask for your kind assistance in circulating the text of the present letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative
Special Envoy